

Practitioner's Docket No. U 016310-9

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

<u>PCT/CH2004/000077</u>	<u>10 February 2004</u>	<u>2 December 2003</u>
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED

A DEVICE AND METHOD FOR MEASURING A PROPERTY OF LIVING TISSUE
 TITLE OF INVENTION

<u>Andreas CADUFF</u>	<u>Pascal TRUFFER</u>
<u>Stephan BUSCHOR</u>	<u>Gianluca HIRT STALDER</u>
APPLICANT(S) FOR DO/US	

Mail Stop PCT
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Attention: Daniel Stemmer
 Legal Examiner
 PCT Legal Affairs
 Office of Patent Cooperation Treaty
 Legal Administration

RESPONSE TO DECISION
and
RENEWED PETITION TO ACCEPT APPLICATION

In response to the Decision of 10 May 2007, and in renewal of the Petition to accept the above application on behalf of non-signing inventor Truffer, a statement of facts, including inventor Truffer's last known address, is attached.

CERTIFICATION UNDER 37 C.F.R. 1.10*
(Express Mail label number is mandatory.)
(Express Mail certification is optional.)


I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date July 10, 2007, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number EV927570014US, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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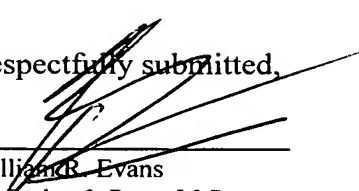

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This is also a petition under 37 CFR 1.136(a) for one month's extension of time and the fee therefor (\$120.00) is attached by check.

Respectfully submitted,



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U.S. patent applications
11/596,565 (corresponding to PCT/CH2004/000077), catchword "Diff Sensor" and
10/580,209 (corresponding to PCT/CH2004/000345), catchword "HW Sensor"
= "the applications"

Facts

My name is Kurt Sutter of Holzweidstrasse 9, 8340 Hinwil, Switzerland. I am working as a patent attorney with E. Blum & Co. AG, Vorderberg 11, 8044 Zürich, Switzerland on behalf of Solianis Holding Ltd., Zug, Switzerland

In the year 2006 and in early 2007, we tried to obtain a signed Declaration, Assignment and Power of Attorney from Pascal Truffer for both patent applications cited above. Pascal Truffer was reluctant to sign.

When consulting our U.S. patent attorney on the matter, we learned that it is necessary for the non-signing inventor to have been in possession of a complete copy of the application at the time he refused to sign. Since we had no proof that this was indeed the case for Pascal Truffer, we sent him yet another registered letter dated Mai 24, 2007, see Appendix 5, which included the forms as well as the full text and figures of both applications.

When that letter was not answered until June 21, 2007, I called Pascal Truffer by phone. He confirmed the receipt of the letter of May 24 and said that he was unwilling to reiterate his position in yet another letter. I told him that a written reply from him would help to handle the matter more expediently. He promised me to consider this.

Finally, he did answer with a letter dated June 26, 2007, confirming the receipt of the letter of May 24 and reiterating his refusal to sign, see Appendix 6.

Mr. Truffer's last known address, which is, as far as I know, still current, is Bläsistrasse 9, 8049 Zürich, Switzerland.

Kurt Sutter
Patent Attorney
E. Blum & Co. AG, Vorderberg 11, 8044 Zürich, Switzerland

Appendix 5

Registered letter to Pascal Truffer, Bläsistrasse 9, 8049 Zürich, Switzerland

Zürich, May 24, 2007
Patents Dr. SU/db
Our files: P9142US01
Your Ref: ---

Patent application in the U.S.A. for HW Sensor
Patent application in India for Diff Sensor and
Patent application in the U.S.A. for Diff Sensor
of Solianis Holding Ltd
Regional Phase PCT/CH2004/000077

Dear Mr. Truffer

We refer to your letter of March 28, 2007 in the above matter as well as to our reply of March 30, 2007.

The U.S. patent now has requested us to file further documents. Enclose we therefore send you the following documents:

1. For U.S. application 11/596,565 (=international application PCT/CH2004/000345):
 - 1a. Combined Declaration and Power of Attorney
 - 1b. Assignment of Invention (Multiple Inventors)
 - 1c. A copy of the text of and the drawings of the application in the international patent application WO 2005/120332
2. For U.S. application 10/580,209 (=international application PCT/CH2004/000077):
 - 2a. Combined Declaration and Power of Attorney
 - 2b. Assignment of Invention (Multiple Inventors)
 - 2c. A copy of the text of and the drawings of the application in the international patent application WO 2005/053523

We ask you to sign the documents at the designated places and to send them back. If you are still unwilling to make the signatures, we ask you for a letter where you inform us correspondingly.

The U.S. patent office has set a deadline until June 10, 2007. Until that deadline we have to file the documents or a declaration that you are unwilling, in response to the present letter, to sign the documents. We therefore need your answer until

June 5, 2007

We hope that we can bring the matter to an end once we have your answer.

If you have questions, we are at your disposal.

E. Blum & Co. AG
(signature)
Dr. Kurt Sutter

Appendix 6

Letter from Dr. Pascal Truffer, Bläsistr. 9, 8049 Zürich to E. Blum & Co. AG, Dr. Kurt Sutter, Vorderberg 11, 8044 Zürich, dated June 26, 2007

Re: Patent applications HW Sensor and Diff-Sensor

Dear Mr. Sutter

Last week you have called me and asked to confirm the receipt of your registered letter and to re-state that I do not want to sign the patent application for the U.S.A. This is supposed to be a prerequisite for proceeding the application without my signature. Since I want to bring this matter to a close, I comply with this wish:

I confirm the receipt of your letter of May 24. For the reasons mentioned earlier, I am unwilling to make the signatures.

With this I consider the matter to be finally closed.

With best regards
(signature)
Dr. Pascal Truffer